

ORDINANCE NO. 39-12

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Planning Commission held a public hearing regarding the Phoenix Avenue Overlay Sign Regulation Amendments to the Unified Development Ordinance and recommended on April 10, 2012, that said changes be made; and,

WHEREAS, three (3) copies of the amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH THAT:

SECTION 1: The Phoenix Avenue Overlay Sign Regulation Amendments to the Unified Development Ordinance are hereby adopted.

SECTION 2: The codifier shall codify the amendments to the Unified Development Ordinance.

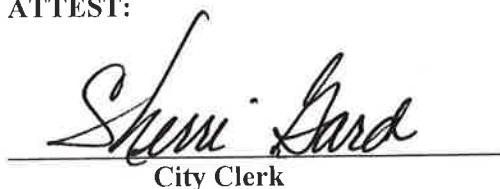
SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS 15th DAY OF May, 2012.

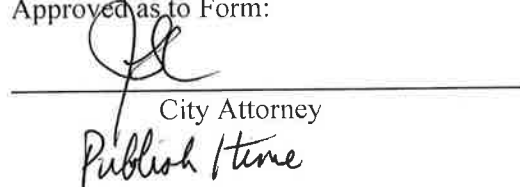
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form:


City Attorney
Publish 1 time

**PHOENIX AVENUE OVERLAY SIGN
AMENDMENTS
TO THE UNIFIED DEVELOPMENT ORDINANCE**

Section 27-440 – Phoenix Avenue Overlay

B. Signage regulations.

1. Monument sign defined. When used herein, "monument sign" shall refer to a ground mounted sign having no more than two (2) faces and being constructed of materials of the same type and in design similar to the principal structure located on the lot on which the sign is located.
2. Signage per lot. Each separately owned lot is allowed no more than one (1) monument sign; provided, any such lot having frontage on two (2) public streets, is allowed no more than two monument signs. In addition to the allowed monument sign(s), each such lot is allowed signs of a maximum total of six (6) square feet to provide traffic directions. No monument sign shall be installed closer than ten (10) feet to the property line of the lot.
3. Sign size. Each monument sign shall be a maximum of six (6) feet high (inclusive of the base and the display area) and shall not be more than one (1) square foot in area per linear foot of lot frontage with a maximum area of seventy-five (75) square feet in area per sign. As to the monument sign for a retail center or business park, as defined in zoning code section 27-200, the sign area and height may be increased by an additional twenty (20) percent if only identification of the name and/or logo of the retail center or business park (and not individual tenants) is used on the monument sign.
4. Wall sign allowance. ~~Each separately owned lot is allowed no more than one (1) wall sign for each separate structure on the lot. The wall sign area for the principal structure shall not exceed twenty (20) percent of the wall area on which the sign is located. The wall sign area for each accessory structure shall not exceed five (5) percent of the wall area on which the sign is located. On any lot having frontage on two (2) public streets, each separate structure is allowed no more than two (2) wall signs.~~
5. ~~A second wall sign is permitted on a principal structure with frontage on one (1) public street and, a third wall sign is permitted on a principal structure having frontage on two (2) public streets, and a fourth wall sign is permitted on a principal structure having frontage on three (3) public streets if the following conditions are met:~~
 - a. ~~The sign is not facing property that is zoned or developed for residential purposes.~~
 - b. ~~The sign is limited to a single logo or business symbol of a business operating in the structures.~~
 - c. ~~The cumulative area of the second or third wall sign allowed with this condition and the wall sign on the first or second walls shall not~~

~~exceed the twenty (20) percent wall area allowed for the first or second wall sign.~~

- ~~6. Additional to the permitted wall sign(s), directional information and building identification signs are permitted on the principal structure if the following conditions are met:~~
 - ~~a. Not more than two (2) directional or building identification signs are permitted.~~
 - ~~b. The cumulative area of all wall signs shall not exceed twenty (20) percent of the wall area on which the signs are located.~~
 - ~~c. The cumulative wall sign area of the directional or building identification signs is limited to twenty-five (25) percent of the wall sign area of the logo or business symbol sign and no directional or building identification sign shall exceed eighteen (18) square feet.~~
7. Illumination. Only ground mounted or spotlight (external only) lighting may be used for illumination of monument signs.
8. Sign content. Content of monument signs shall be such that no more than fifty (50) percent of the monument sign may be used for advertising. The remaining area of a monument sign is limited to the name and/or logo of the business(es) operating in the structure.
9. Content of wall signs for the principal structure shall be limited to the name and/or logo of the business(es) operating in the structure. Directional and information signs meeting the conditions of paragraph (4) above are permitted.
10. Content of wall signs for each accessory structure shall be limited to building identification, directional information and the name and/or logo of the business(es) operating in the structure.
11. Advertising shall not be permitted on the principal or accessory structure, wall sign or traffic direction sign.
12. Outdoor advertising (offsite) signs. Outdoor advertising (offsite) signs are prohibited in that portion of the area described in (a) above located between Leigh Avenue and four hundred (400) feet west of the Massard Road right-of-way.
13. Signs prohibited. Banners, marquees and changeable letter reader boards and portable signs are expressly prohibited. Changeable letters and/or numbers are permitted in the advertising portion of monument signs. Except as allowed by this section, no signs shall be installed in the area described in (a) above.

- 14. Other sign ordinances.** All signs allowed by these regulations shall comply with further sign regulations of the zoning code and the Code of Ordinances. In the event of a conflict of these regulations and the further sign regulations of the zoning code and the Code of Ordinances, these regulations will control.
- 15. Variance procedures.** Administrative decisions applying the provisions of this section may be appealed to the board of zoning adjustment according to the procedure provided for in section 27-44-337 of the Code of Ordinances.